

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**In re: Todd A. Brunner and
Sharon Y. Brunner,**

**Case No. 11-29064-jes
(Chapter 11)**

Debtors.

**MOTION BY THE UNITED STATES TRUSTEE FOR THE PRODUCTION OF
DOCUMENTS AND EXAMINATION UNDER RULE 2004 OF SHAWN BRUNNER**

NOW COMES the United States Trustee, by Attorney Debra L. Schneider, who moves the Court pursuant to Rule 2004, Fed. R. Bankr. P., for an order, *duces tecum*, to examine Shawn Brunner, and who in support of this motion states as follows:

1. This motion is being made on an *ex parte* basis, which is permissible. See 1993 Advisory Committee Note to Fed. R. Bankr. P. 2004.
2. The Debtors, Todd and Sharon Brunner, commenced this Chapter 11 bankruptcy on June 5, 2011.
3. This Chapter 11 bankruptcy estate has approximately 204 properties.
4. The Statement of Financial Affairs filed by the Debtors shows that various properties were transferred to Shawn Brunner pre-petition.
5. Shawn Brunner is the adult son of Todd and Sharon Brunner.
6. In addition, numerous pre-petition transfers were made to a limited liability corporation named Outer Limits, LLC. Todd Brunner testified at the first section 341 meeting of creditors that Outer Limits, LLC consisted of him and his son, Shawn.

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7. Todd Brunner also sold several properties pre-petition to an entity known as Bull Dog Enterprises, LLC who in turn sold the properties to Shawn Brunner.
8. Further, the Debtors testified at a section 341 meeting of creditors that Julie Sweet “took all of our records and threw them in a snowbank.” However, Ms. Sweet testified that she sent Mr. Brunner his 2010 rent books by certified mail in two separate packages. The certified mail return receipts were signed by Shawn Brunner.
9. In light of the foregoing, The United States Trustee seeks to examine Shawn Brunner as he has information that relate to the acts, conduct, property, assets and financial condition of the Debtors pre-petition.
10. The United States Trustee may also inquire about any matter permissible under Fed. R. Bankr. P. 2004(b), including any matter which may affect the administration of the Debtors' estate, or the Debtors' right to a discharge.
11. The United States Trustee seeks the following documentation:
 - a. Copies of all personal **and** business financial records of the Debtors, Sharon and Todd Brunner, in the possession of Shawn Brunner. This request includes, but is not limited to, records related to Outer Limits, LLC, Thundercat Acquisitions, and the transfer of properties from Todd Brunner to Bull Dog Enterprises, LLC to Shawn Brunner. This request includes all written, typed, printed or otherwise recorded material of any kind, including papers, agreements, contracts, notes, memoranda, spreadsheets, deeds, rent receipts, rent rolls, ledgers, tax returns, HUD-1 settlement statements, mortgages, loan applications, bank statements, wire transfer requests, credit card statements, check registers, e-mails, correspondence, letters, telegrams, records, books, forms, transcriptions, recordings, magnetic tapes, discs and printed cards, computer printouts, microfilm, personal diaries, calendars, appointment books, memoranda, minutes and records of any meeting, financial statements, financial data, reports or records of telephone or other conversations, movies, videotapes, pictures, sketches, statistical analyses, and all other writings or recordings of any kind, however produced or reproduced, whether signed or unsigned, and whether inscribed by hand or by mechanical, electronic, photographic, or phonic means. This request includes

originals and all copies that are in any way not identical to the original.

- b. Copies of all documentation related to Julie Sweet's return of records to the Brunners including, but not limited to, all documentation registering receipt, whether sent by United States mail or FedEx, UPS, DHL or other similar delivery service, including certified or registered mail receipts. This request includes originals and all copies that are in any way not identical to the original.

- 12. The United States Trustee requests an order directing Shawn Brunner to provide the requested documents **by Friday, February 3, 2012.**
- 13. The United States Trustee requests an order directing Shawn Brunner to appear for examination pursuant to Rule 2004 at the following place and time:

Place: Office of the United States Trustee
517 East Wisconsin Avenue, Suite 430
Milwaukee, WI 53202

Date/time: **Wednesday, February 8, 2011 at 10 a.m.**
(or other mutually agreed upon date)

- 14. The United States Trustee does not intend to file a brief in connection with this pleading, but reserves the right to file a responsive brief or pleading if necessary.

Dated: January 23, 2012.

PATRICK S. LAYNG
United States Trustee

/s/

DEBRA L. SCHNEIDER
Attorney for the United States Trustee

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FOR THE EASTERN DISTRICT OF WISCONSIN

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Debtors.

RULE 2004 ORDER FOR THE PRODUCTION OF DOCUMENTS
AND EXAMINATION OF SHAWN BRUNNER

The United States Trustee filed a Motion pursuant to Fed. R. Bankr. P. 2004, for an order, *duces tecum*, for the production of documents and the examination of Shawn Brunner. After considering the record before the Court, and sufficient cause appearing therefore,

IT IS HEREBY ORDERED that the document production and examination of Shawn Brunner shall be conducted by the United States Trustee and the examination may be continued from time to time until it is completed. Shawn Brunner is to produce the Ordered documents by February 3, 2012 as set forth in this order:

1. a. Copies of all personal **and** business financial records of the Debtors, Sharon and Todd Brunner, in the possession of Shawn Brunner. This request includes, but is not limited to, records related to Outer Limits, LLC, Thundercat Acquisitions, and the transfer of properties from Todd Brunner to Bull Dog Enterprises, LLC to Shawn Brunner. This request includes all written, typed, printed or otherwise recorded material of any kind, including papers, agreements, contracts, notes, memoranda, spreadsheets, deeds, rent receipts, rent rolls, ledgers, tax returns, HUD-1 settlement statements, mortgages, loan applications, bank statements, wire transfer requests, credit card statements, check registers, e-mails, correspondence, letters, telegrams, records, books, forms, transcriptions, recordings, magnetic tapes, discs and printed cards, computer printouts, microfilm, personal diaries, calendars, appointment books, memoranda, minutes and records of any meeting,

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financial statements, financial data, reports or records of telephone or other conversations, movies, videotapes, pictures, sketches, statistical analyses, and all other writings or recordings of any kind, however produced or reproduced, whether signed or unsigned, and whether inscribed by hand or by mechanical, electronic, photographic, or phonic means. This request includes originals and all copies that are in any way not identical to the original.

- b. Copies of all documentation related to Julie Sweet's return of records to the Brunners including, but not limited to, all documentation registering receipt, whether sent by United States mail or FedEx, UPS, DHL or other similar delivery service, including certified or registered mail receipts. This request includes originals and all copies that are in any way not identical to the original.
- 2. Shawn Brunner is hereby ordered to provide the requested documents **by Friday, February 3, 2012.**
- 3. Shawn Brunner is hereby ordered to appear for examination pursuant to Rule 2004 at the following place and time:

Place: Office of the United States Trustee
517 East Wisconsin Avenue, Suite 430
Milwaukee, WI 53202

Date/time: **Wednesday, February 8, 2011 at 10 a.m.**
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